

**Meeting Date:** January 17, 2007

**Agenda Item No. 7**

**Agenda Item:** Big Game: Nonbiological Rules for all Big Game Animals

**Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

The Commission considers changes to non-biological rules for big game animals in January each year. Non-biological rules include: method of take, equipment restrictions, allocation of controlled hunt permits/tags, etc. Biological rules, considered in March, include: seasons, bag limits, sex restrictions, and species restrictions.

**RULE: 13.01.08.410. Unlawful methods of take.**

**ISSUE:** In January 2007, the Department recommended and the Commission adopted changes to muzzleloader equipment rules. Nearly 4,000 hunters commented during 2006 on the original proposals with roughly equal numbers supporting and opposing the proposed rule changes. While many hunters support the new rules, many others do not. The most controversial rule change has been the requirement for a pivoting hammer, functionally prohibiting the use of many in-line muzzleloaders in muzzleloader-only hunts. Additionally, the pivoting hammer requirement has been confusing to many hunters, generating numerous requests to the Department to clarify whether individual muzzleloaders are legal to use. In-line muzzleloaders have no ballistic, or overall range, advantage over 'side-lock' muzzleloaders.

**RULE: 13.01.08.350. Identification of sex, size, and/or species in possession and during transportation or shipment.**

**ISSUE:** Current evidence-of-sex rules require hunters to leave either the head/antlers or genitalia naturally attached while a big game carcass is being transported. The current rules technically require evidence-of-sex be left naturally attached when a hunter transports meat from a meat processing facility to home; an unnecessary inconvenience often overlooked by many hunters.

**Statutory Authority and/or Policy Issues:**

Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing nonbiological rules. The Commission has authority under Idaho Code 36-104 to establish methods of take and evidence-of-sex transport requirements for big game animals.

**Public Involvement Process:**

All regions provided opportunities (breakfast meetings, open houses, or public meetings) to comment on a Department proposal to allow in-line muzzleloaders in muzzleloader-only hunts. Additionally, the Department solicited public comment via the website. A summary of public comment will be provided at the Commission meeting.

The Department did not scope the proposal to modify the evidence-of-sex rules with the public prior to the January Commission meeting. However, the proposed rule change better accommodates hunters transporting commercially processed meats and is unlikely to receive substantial negative reaction.

**Staff Recommendations:**

- 1) Eliminate the external pivoting hammer requirement from the current muzzleloader-only hunt rules (proposed IDAPA changes on next page).
- 2) Not require evidence-of-sex for meat being transported from a commercial meat processing facility (proposed IDAPA changes on next page).

**Justification:**

Public requests for modification to rules.

## ***Proposed IDAPA Changes***

### **13.01.08.410.03. Muzzleloaders. (7-1-93)**

- a.** With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, pronghorn, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
- b.** With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
- c.** During a *Muzzleloader Only* season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)
  - i. Is at least forty-five (.45) caliber for deer, pronghorn or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)
  - ii. Is capable of being loaded only from the muzzle. (7-1-93)
  - iii. Is equipped only with open or peep sights. (7-1-93)
  - iv. Is loaded only with loose black powder or, loose Pyrodex or other loose synthetic black powder. Pelletized powders are prohibited. (3-12-07)T
  - v. Is equipped with no more than two (2) barrels. (7-1-93)
  - vi. Is loaded only with a projectile with a diameter within one hundredth (.01) of an inch of the bore diameter. Sabots are prohibited. (3-12-07)T
  - vii. Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (3-12-07)T
  - viii. Is equipped with an exposed ignition system. (x-xx-xx)T
  - ix. Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed.

### **13.01.08.350. Identification of sex, size, and/or species in possession and during transportation or shipment.**

- 01. Evidence of Sex.** Evidence of sex must be left naturally attached to the carcass of any big game animal. (4-6-05)
  - a.** In antlered or male only seasons, the evidence of sex requirement is met when the head, horns, or antlers are left naturally attached to the whole carcass or to a front quarter. If the head, horns, or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a Commercial meat processing facility; AND the horns or antlers must accompany the carcass while in transit. (x-xx-xx)
  - b.** In spike elk or two-point (2) deer only seasons, the evidence of sex requirement is met when the head with both complete unaltered antlers are left naturally attached to the whole carcass or to a front quarter. If the head or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a Commercial meat processing facility; AND both complete unaltered antlers naturally attached to each other must accompany the carcass while in transit. (x-xx-xx)
  - c.** In antlerless, doe/fawn or female only seasons, if the head is removed from female elk, moose, deer, pronghorn or bighorn sheep, some other external evidence of sex (either udder or the vulva) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a Commercial meat processing facility. (x-xx-xx)
  - d.** The entire head of antlerless male elk, moose, deer, or pronghorn or a male lamb bighorn sheep killed during an antlerless, female, doe/fawn or ewe only season, may be left naturally attached to the carcass or to a front quarter until the carcass reaches the final place of storage or consumption, or a Commercial meat processing facility. If the head is removed, some other external evidence of sex (either scrotum, penis, or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a Commercial meat processing facility, AND the lower jaw must accompany the carcass while in transit. (x-xx-xx).